REMARKS

This responds to the Office Action mailed on May 10, 2006, and the references cited therewith.

Claims 1, 7, 14, and 16-17 are amended, claims 21-26 are canceled, without prejudice to the Applicants; as a result, claims 1-20 are now pending in this application.

Claim Objections

Claims 16 and 17 were objected to for informalities. Applicants have corrected the informalities associated with claims 16 and 17 in the manner suggested by the Examiner. Accordingly, Applicants believe that these objections are no longer appropriate and should be withdrawn.

§101 Rejection of the Claims

Claims 21-26 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Although Applicants disagree with the Examiner's continued rationale and rejections of claims 21-26, these claims have been cancelled in the interest of expediting prosecution in this matter and addressing the other claims of record. Applicants reserve the right to subsequently file continuations directed to the subject matter of the cancelled claims.

§102 Rejection of the Claims

Claims 1-3, 5-19, 21-22 and 24-26 were rejected under 35 U.S.C. § 102(e) for anticipation by Ranger et al. (U.S. 6,393,568). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught or suggested in the cited reference.

Ranger is directed to techniques for virus scanning that is performed at a firewall node prior to delivery of data to the intended recipients within a network. The data is encrypted and has to be decrypted before it can be properly scanned for viruses. As a result, Ranger discusses elaborate key exchange mechanisms, such that the file server located at the firewall can properly decrypt and in some cases re-encrypt the data being received from recipients. The techniques in Ranger require that the file server that processes or utilizes the virus scan have the knowledge to decrypt recipient specific messages. *E.g.*, col. 2 lines 51-56; col. 3 lines 15-29; col. 4 lines 1-5, and lines 53-64; col. 6 lines 7-9, 34-40, and 59-65; and col. 7 lines 20-26.

Conversely, Applicants invention does not rely on an intermediary or network node to perform the decryption of incoming messages. That is, the recipient of a designated message maintains its own decryption and encryption keys that are totally independent of the virus scanning mechanism. So, the true recipient of a message can decrypt the message using its own independently and securely held keys for the message, then the decrypted message is sent to a service for scanning evaluation in decrypted format. Ranger is not capable of this and does not advocate this at all. In Ranger, the technique relies on a perimeter computer or firewall computer to intercept and decrypt messages on behalf of all network recipients; it then proceeds to scan the decrypted messages and then either re-encrypts the messages or sends the messages in decrypted format to the actual intended recipients.

The problem with this approach is that it relies too heavily on a single application or service to decrypt all messages. This requires extensive key communication and in fact could introduce even more security risks since keys of recipients are being communicated over the network or acquired over the network for purposes of the service being able to decrypt the messages. Applicants approach is more portable and a less coupled technique, where the recipients use their own keys and manage their own keys securely and independent of the virus scanning process. Recipients do no view the decrypted messages; rather they forward them for virus scanning prior to inspection. In this approach, the recipient has the decrypted message and all it needs from the scanning process is a flag or indication that it can properly view the already decrypted message. In Ranger, the message is never in the possession of the intended recipient until the perimeter computer has determined it is safe for viewing at which point the message is finally delivered to the intended recipient.

Applicants have amended the independent claims to make this point more clear. The techniques taught in Ranger do not permit the intended party that is to consume the message to decrypt the message. In fact, the intended party is never in possession of the message that was directed to it until the perimeter computer has successfully decrypted and scanned the message. This is different from Applicants approach where the intended party actually performs its own decryption on the message before that message is ever sent for a virus scan. Applicants approach is not as coupled to the architecture as is Ranger and does not introduce security holes by communicating keys to the scanning mechanism, such that the scanning mechanism knows how to decrypt messages. The intended party of a message is who performs the decryption with Applicants' invention.

Accordingly, Ranger fails to teach each and every limitation of Applicants' amended independent claims and the rejections should be withdrawn and the claims allowed to issue. Applicants respectfully request an indication of the same.

§*103 Rejection of the Claims*

Claims 4, 20 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ranger et al. Claim 4 is dependent from amended independent claim 1, claim 20 is dependent from amended independent claim 14, and claim 23 has been canceled, without prejudice to the Applicants; accordingly, with respect to the amendments and remarks presented above with respect to claims 1 and 14, the rejections of claims 4 and 20 should be withdrawn. Moreover, the rejection of claim 23 is no longer appropriate since this claim has been cancelled.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

A. KENT SIEVERS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(513) 942-0224

Date August 11, 2006 By Joseph P. Mehrle
Joseph P. Mehrle
Reg. No. 45,535

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11 day of August 2006.

Peter Rebuffoni
Name

Peter Rebuffoni
Signature